REMARKS

In response to the *August 9 Office Action* and in order to advance prosecution of this case, Applicant submits the following remarks. Applicant respectfully requests reconsideration and favorable action in this case in light of these remarks.

35 U.S.C. § 102 Rejections

The Examiner rejects Claims 1, 4-7, 10-14, 16, and 18-21, and 22 as being unpatentable under 35 U.S.C. §102(e) over U.S. Patent No. 4,937,777 issued to Flood et al ("*Flood*"). As previously noted, Applicant traverses these rejections.

At the outset, Applicant respectfully notes that Applicant has previously presented many of the arguments below in response to previous Office Actions. In fact, for the most part, the *August 9 Office Action* is a copy of an Office Action issued on March 8, 2006 (the "*March 8 Office Action*"). Applicant traversed these rejections in a Response to the *March 8 Office Action* filed on June 8, 2006. Nonetheless, in the *August 9 Office Action*, the Examiner has responded to Applicant's arguments by merely repeating the rejections of the *March 8 Office Action* without substantively addressing Applicant's arguments. "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and ***answer the substance of it***." M.P.E.P. § 707.07 (f) (emphasis added).

Here, in response to the Applicant's arguments, the Examiner has merely quoted verbatim the same sections of *Flood* that the Examiner relied upon in rejecting the relevant claims. Moreover, Applicant has previously shown that these same sections do not disclose the claim limitations as alleged by the Examiner. Thus, these quotations do not represent an answer to the substance of the Applicant's argument. Applicant respectfully requests that, if the Examiner intends to maintain any of the rejections presented in the *August 9 Office Action*, the Examiner fully consider Applicant's arguments and respond to the specific points raised by Applicant.

Additionally, Applicant respectfully notes that the Examiner fails to identify within *Flood* the specific elements of the reference that the Examiner equates with the elements of the rejected claims. In many cases, the Examiner, in addressing a particular element of the claimed subject matter, cites to the entirety of multiple paragraphs from *Flood* that cover

differing aspects of the system. Applicant respectfully notes that "[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable." 37 C.F.R. § 1.104(c)(2). Thus, Applicant respectfully requests that, if the Examiner continues to utilize *Flood* in rejecting any of the claims of this Application, the Examiner identify the specific elements within *Flood* that the Examiner equates with each claim element.

Returning to the rejections, Applicant respectfully notes that Claim 1 recites:

A system for communicating management information, comprising:
a first interface card;
a second interface card; and
a management card coupled to the first interface card and the second interface card, the management card operable to:
receive a command from a client, the command identifying an interface card or a network device associated with an interface card;
establish a communication link between the client and a particular one of the first interface card and the second interface card selected in response to the command communicated by the client, wherein the communication link forms a complete path that couples at least the client to at least the particular interface card; and
communicate management information using the communication link.

Flood does not recite, either explicitly or inherently, every element of Claim 1. In rejecting Claim 1, the Examiner fails to explain how *Flood* discloses the limitation of "establishing a communication link...wherein the communication link forms a complete path that couples at least the client to at least the particular interface card." ***In fact, the Examiner fails to cite any portion of Flood that discloses this limitation.*** *See August 9 Office Action*, p. 2.

As Applicant previously noted, *Flood* explicitly precludes the possibility of a communication link that "forms a complete path that couples at least the client to at least the particular interface card" in any manner that is consistent with the Examiner's mapping of the other elements of Claim 1. Specifically, the portion of *Flood* cited by the Examiner describes a system in which information transmitted by terminal 24 over communication buses 31-33 is stored in RAM 38, and execution processors 18 may subsequently access RAM 38 to retrieve particular portions of the information stored in RAM 38. However, to whatever extent execution processors 18 directly access RAM 38 over communication buses 31-33, execution processors 18 do not communicate over communication buses 31-33 concurrently with

terminal 24, and only one device may be coupled to RAM 38 over buses 31-33 at a time. Column 7, ll. 36-46. Thus, despite the fact that certain information transmitted from terminal 24 to RAM 38 may later be accessed by execution processors 18, no "communication link" that forms a path between terminal 24 and execution processors 18 is ever established.

Applicants presented this argument in a Response to the *March 8 Office Action*. As noted above, the Examiner failed to address this argument. Instead, the Examiner replied to this argument ***by quoting the same sections that, as Applicant has shown, fail to disclose the relevant claim limitations***. *See August 8 Office Action*, pp. 7-8. Thus, the Examiner ignores the omissions that Applicant identified, and rejects Claim 1 based on the same deficient portions of *Flood*. As noted above, "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and ***answer the substance of it***." M.P.E.P. § 707.07 (f) (emphasis added).

As a result, as Applicant has repeatedly shown, *Flood* fails to disclose "a management card...operable to...establish a communication link...wherein the communication link forms a complete path that couples at least the client to at least the particular interface card" as recited by Claim 1. Therefore, *Flood* fails to recite, expressly or inherently, every element of Claim 1. Claim 1 is thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 7, 14, and 21 include elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not recited, expressly or inherently, by *Flood*. Claims 7, 14, and 21 are thus allowable. Applicants respectfully request reconsideration and allowance of Claims 7, 14, and 21, and their respective dependents.

35 U.S.C. § 103 Rejections

The Examiner rejects Claims 2-3, 8-9, 15, 17, and 22-26 under 35 U.S.C. § 103(a) as being unpatentable over *Flood* in view of U.S. Patent No. 6,304,895 issued to Schneider et al. ("*Schneider*"). Claims 2 and 3 depend from Claim 1. Claims 8 and 9 depend from Claim 7. Claims 15 and 17 depend from Claim 14. Claims 1, 7, and 14 have all been shown above to be allowable. Claims 2-3, 8-9, 15, and 17 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 2-3, 8-9, 15, and 17.

Additionally, several dependents of Claim 1 include additional elements that are not disclosed by *Flood* or *Schneider*, alone or in combination. For example, Claim 3 depends from Claim 2, another dependent of Claim 1. Claim 2 recites:

> The system of Claim 1, wherein the management card comprises:
> a switch operable to establish the communication link between the client and one of a first port and a second port of the management card;
> a memory operable to store mapping information associating the first port with the first interface card and the second port with the second interface card; and
> a processor coupled to the memory and the switch, the processor operable to:
> > receive the command;
> > determine the port associated with the particular interface card using the mapping information; and
> > command the switch to establish the communication link between the client and the determined port.

Meanwhile Claim 3 recites:

> The system of Claim 2, wherein:
> the first interface card is coupled to a first network device that uses a first operating system;
> the second interface card is coupled to a second network device that uses a second operating system; and
> the processor is further operable to configure the management information for the operating system of the network device associated with the particular interface card.

The proposed *Flood-Schneider* combination fails to disclose every element of Claim 3. For example, the proposed *Flood-Schneider* combination fails to disclose "[a] first interface card [that] is coupled to a first network device that uses a first operating system" and "[a] second interface card [that] is coupled to a second network device that uses a second operating system." Applicant respectfully notes that, in addressing this element ***the Examiner continues to assert an argument the Board of Patent Appeals and Interferences ("the Board") has already rejected***. *See Examiner's Answer*, p. 9 and *August 9 Office Action*, pp. 7-8. The Board previously rejected this argument on appeal. In particular, the Board stated in its Decision on Appeal, issued May 24, 2005 (the "Board's Decision"):

> The [*Flood-Schneider* combination] makes no mention of first and second operating systems and of configuring management information for the operating system. The examiner's "finding" of different operating systems in Flood is nothing more than speculation and has no support in the

reference....The prior art applied in the examiner's rejection simply does not provide the support needed to reject claims 3, 9 and 17."

Board's Decision, pp. 12-13.

Thus, as the Board notes, the proposed *Flood-Schneider* fails to disclose a "first operating system" and "a second operating system" and, thus, fails to disclose "[a] first interface card [that] is coupled to a first network device that uses a first operating system" and "[a] second interface card [that] is coupled to a second network device that uses a second operating system" as recited by Claim 3. The Examiner fails to address this argument and merely quotes the same language that the Examiner improperly relied on in rejecting Claim 3 in the *March 8 Office Action*.

As a result, the proposed *Flood-Schneider* combination can not properly be used to reject Claim 3. Moreover, this conclusion is in accordance with the findings of the Board. *Board's Decision*, p. 13. Claim 3 is thus allowable for at least these additional reasons. Applicant respectfully requests reconsideration and allowance of Claim 3. ***Again, Applicant respectfully requests that, if the Examiner intends to maintain this rejection, the Examiner address the substance of Applicant's argument instead of merely repeating verbatim arguments from earlier Office Actions that Applicant has already shown to be incorrect or insufficient, as required by M.P.E.P. § 707.07(f).***

Although of differing scope from Claim 3, Claim 22 includes certain elements that, for reasons substantially similar to those discussed with respect to Claim 3, are not disclosed by the proposed *Flood-Schneider* combination. Claim 22 is thus allowable for the reasons discussed with respect to Claim 3. Applicant respectfully requests reconsideration and allowance of Claim 22 and its dependents.

Conclusions

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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